

HIGH TECH BROADBAND COALITION



Notice of Oral *Ex Parte* Presentations

February 7, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338;
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98;
Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147

Dear Ms. Dortch:

On behalf of the High Tech Broadband Coalition (HTBC), the individuals listed below met with Commission staff on February 5 and 6, as detailed below, regarding the above referenced proceedings. The overall purpose of the meetings was to emphasize the extreme importance of fundamentally reforming the unbundling rules to create strong incentives to deploy new, last mile broadband facilities.

Meetings:

February 5

- Chairman Michael Powell and Christopher Libertelli
- Commissioner Kevin Martin, Dan Gonzalez and Emily Willeford
- Commissioner Jonathan Adelstein and Barry Ohlsen
- Wireline Competition Bureau Chief Bill Maher and Jeffrey Carlisle, Carol Matthey, Brent Olson, Cathy Carpino, Jane Jackson, and Scott Bergmann

February 6

- Commissioner Kathleen Abernathy and Matthew Brill
- Alex Johns, Legal Advisor to Commissioner Michael Copps

HTBC Attendees:

Tom Engibous, Chairman, President and CEO, Texas Instruments
Larry Aiello, President & CEO, Corning Cable Systems
Rick Roscitt, Chairman & CEO, ADC
E. Van Cullens, President & CEO, Westell
Peter Lessek, VP, Lucent
Jim Hjartarson, President & CEO, Catena Networks
Rob Pullen, Senior VP, Tellabs
Steve Chappell, Group President and Corporate Vice President, Operations and Network Solutions, Telcordia Technologies
Jay Fausch, Senior Director, Broadband Networking Division, Alcatel
Perry Kamel, Executive Vice President, Strategy and Marketing, Siemens Information & Communications Networks
Gary Bolton, Catena Networks
Matthew Flanigan, President, Telecommunications Industry Association
Rhett Dawson, President, Information Technology Industry Council
Peter Pitsch, Communications Policy Director, Intel
Grant Seiffert, Vice President, Telecommunications Industry Association
Tim Regan, Senior Vice President, Corning Inc.
John Boidock, Vice President, Texas Instruments
Tricia Rimo, Telcordia Technologies
Veronica O'Connell, Consumer Electronics Association
Doug Cooper, Catena Networks
Rob Clark, ADC
Derek Khlopin, Telecommunications Industry Association

HTBC representatives outlined the points made in the attached set of talking points, a copy of which was left behind with Commission staff at each meeting. A particular emphasis was placed on the HTBC's fundamental premise that competitors to the incumbent LECs should continue to get access to existing unbundled facilities but not new packet-based facilities.

HTBC representatives stated that this policy recommendation could be accomplished by modifying the definition of "broadband loop" in the HTBC's previously filed draft rule language. The previous draft had defined a broadband loop as any fiber-based facility that is used "in whole or in part to transmit packetized information and the associated equipment attached thereto. That definition should be amended to read to cover 1) any transmission path over a fiber facility deployed on the customer side of the central office, and attached equipment, that is used to transmit packetized information and 2) any transmission path over a fiber facility deployed on the customer side of the central office, and attached equipment, that utilizes optical technology to transmit video information. Also, included would be any electronics attached to a copper loop that is used in conjunction with or facilitates packetized transmission over such a loop.

In this way the definition of a broadband loop would not include existing non-packet loop capabilities provided over copper and hybrid fiber/copper loop facilities. For example, DS-1s provided over TDM facilities would remain available subject to a Section 251 impairment analysis.

This approach would assure that the competitors continue to get what they get today, but at the same time give all carriers the incentive to invest in new last mile fiber and related broadband facilities where the incumbent local exchange carriers have no unfair advantage and face actual and potential competition from cable modem service providers.

Also, the HTBC representatives stated that the changes should apply to small business customers as well as residential customers. Small business customers should be considered part of the relevant broadband market. This market is nascent and dynamic and proper impairment analysis should consider actual and potential competition in this market. Cable companies and other competitors have a growing presence in the small business segment of the market. This argument is even more compelling given the above proposed changes to the definition of a broadband loop, because competitors will be able to continue to get access to existing DS-1s.

Moreover, the HTBC representatives agreed that as a result of regulatory obstacles, capitol expenditures are rapidly moving overseas, particularly to Asia. This movement will have a negative impact on the development of new innovative technologies and services in the United States.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to all Commission staff present at the meetings. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/ Veronica O'Connell

Veronica O'Connell
Director, Congressional Affairs
Consumer Electronics Association

Enclosures:

Talking Points/Leave Behind
Revised Proposed Rule Modifications
Broadband/DSL Coverage Maps

cc:

Hon. Michael Powell
Hon. Kathleen Abernathy
Hon. Kevin Martin
Hon. Jonathan Adelstein
Bill Maher
Christopher Libertelli
Matthew Brill
Daniel Gonzalez
Emily Willeford
Alex Johns
Jeff Carlisle
Barry Ohlson
Brent Olson

HTBC

February 3, 2003

CC Dockets No. 01-338, 96-98, 98-147

Carol Matthey

Cathy Carpino

Jane Jackson

Scott Bergmann